

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHARLES ISELEY,)	
)	Civil Action No. 02 - 2123
Plaintiff,)	
)	Judge Alan N. Bloch /
vs.)	Magistrate Judge Lenihan
)	
ROBERT BITNER et al.,)	
)	
Defendants)	

ORDER

Plaintiff, Charles Iseley Sr., an inmate currently incarcerated at the State Correctional Institution in LaBelle, Pennsylvania, commenced this action pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983. On February 23, 2004, Plaintiff filed an Amended Complaint wherein he named 55 individuals as Defendants. Plaintiff's Amended Complaint consisted of 179 paragraphs, and alleged various constitutional violations occurring over a two year time span, at five prisons across Pennsylvania where Plaintiff has been housed.

On April 6, 2005, Plaintiff was ordered to file separate complaints, alleging only the facts which occurred in each prison facility, naming as defendants only those persons in that particular facility (with the possible exception of general Department of Corrections personnel who may have had involvement) actually involved in the facts alleged to be violative of Plaintiff's constitutional rights. Following the grant of numerous extensions, on March 17, 2006, the Court received a document entitled "Court Ordered Complaint." This document appears to be partially in compliance with the Court's Order as it names only 23 defendants, albeit from different institutions. However, in paragraph 33 of this new complaint Plaintiff

incorporates the previously filed complaint, with its 55 defendants, multiplicity of allegations, spanning numerous prisons and causes of action. Obviously, this negates the very purpose for which the Court initially ordered Plaintiff to file separate complaints. Therefore,

IT IS HEREBY ORDERED this 31st day of March, 2006, that Plaintiff's Complaint filed on March 17, 2006 is **DISMISSED** without prejudice to file, within 30 days, one or more complaints (which will be assigned different docket numbers) as ordered by this Court on April 6, 2005 and affirmed by the District Court on April 18, 2005. Any complaint previously filed by Plaintiff is specifically **NOT** to be incorporated therein.

IT IS FURTHER ORDERED that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(A), and Local Rule 72.1.3, the parties are allowed ten (10) days from the date of service to file an appeal from this order to the District Court. Failure to timely file an appeal may constitute a waiver of any appellate rights.

s/Lisa Pupo Lenihan

Lisa Pupo Lenihan
United States Magistrate Judge

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